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# ROBERT WITTKE

STATE REPRESENTATIVE • 62<sup>nd</sup> ASSEMBLY DISTRICT

## Testimony of State Representative Robert Wittke Assembly Bill 270

Assembly Committee on Family Law

April 27, 2021

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Dear Chairman Magnafici and Committee Members:

Thank you for holding a public hearing on Assembly Bill 270 (AB 270). This legislation is a redraft of 2019 Assembly Bill 457 as amended and passed unanimously by the committee in 2020. The bill was passed by the full Assembly but the COVID-19 health emergency halted the process in the State Senate. I hope you will move Assembly Bill 270 forward for passage.

Assembly Bill 270 would make some changes to where applicants may obtain a marriage license in Wisconsin and what documentation is necessary for the application process. This is a bill that encourages family and those who desire to be married in our beautiful state. AB 270 would include the following items requested by stakeholders last session:

- Requires a certified birth record
- The application shall contain a social security number from each party who has one
- If a birth record is unobtainable, an applicant may present to the clerk a passport, license or identification card that meets the requirements of P.L. 109-13 (REAL ID), permanent resident card, or naturalization paper
- Affords the applicant an appeal if the clerk is not satisfied with the documentary proof presented

Assembly Bill 270 would allow an applicant to request a marriage license in any county in Wisconsin, reduces the waiting period from five days to three, extends the period for which a marriage license is valid from 30 days to 60 days. The bill's effective date is July 2022 to afford County Clerks and Registrars time to implement necessary processes for these changes.

I believe that if an individual seeks to marry in Wisconsin, and has identification they've obtained through customary state or federal channels, then obtaining a marriage license in Wisconsin shouldn't be more prohibitive than that of the federal government issuing a passport or REAL ID. These proposed changes within AB 270 are common sense and I hope you'll agree and support passage of Assembly Bill 270.

Thank you.



**DALE KOOYENGA**  
STATE SENATOR · 5<sup>TH</sup> DISTRICT

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April 27, 2021

TO: Assembly Committee on Family Law  
FR: Senator Dale Kooyenga  
RE: Assembly Bill 270 – changes to marriage license application requirements

Thank you for holding a hearing Assembly Bill 270. This legislation is a reintroduction of an amended version of Assembly Bill 457/Senate Bill 439 introduced last session.

Obtaining a marriage license in Wisconsin should be a simple process, and for those who are inclined to choose a destination wedding, let's encourage them to come to Wisconsin for their special day.

The updated version of the bill proposes the following changes to make obtaining a marriage license more efficient:

- Eliminates the current residency requirement by allowing an applicant for a marriage license to apply in any county in Wisconsin.
- Provides more options for those born outside of the United States allowing the applicant to provide documentary proof of identification and date of birth rather than a birth certificate. An amendment last session allows a passport, permanent resident card or naturalization papers to suffice for proof of identity for those without a birth certificate.
- Maintains current law by allowing a clerk to ask for additional documentation from an applicant if the initial documents are not satisfactory.
- Allows an applicant to request a review by a judge if the clerk deems the documentation unsatisfactory.
- Reduces the waiting period for a marriage license from five days to three days.
- Extends the period a marriage license is valid from 30 days to 60 days.
- Requires only one adult witness if one of the parties is active military service.
- Allows the couple to return the license to any county in the state regardless of where the ceremony was performed.

This bill is a step forward in updating our marriage license law in Wisconsin, and it recognizes that Wisconsin is a beautiful state offering four seasons of wedding option for everyone to enjoy.

Thank you for your attention to this legislation. I respectfully ask for your support for AB 270.

To: Committee on Family Law

From: Thomas Weatherston  
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Subject: AB270/SB293

Dear Chairmen Magnafici and committee members thank you for holding a hearing on this important family values issue.

Allow me to start out by saying if this piece of legislation is new to you and you discuss it with county clerk and they say this bill is unnecessary you have a good clerk. Support them. Many clerks across the state are already doing what this bill clarifies in the law.

I am retired State Representative Thomas Weatherston and the original author of this bill. The Assembly has passed it twice in previous sessions but the Senate has failed to take action on this bill. With luck and your support maybe we can push this over the finish line this session.

When I was in the legislature I heard from several of my constituents that they were unable to obtain a marriage license in Racine County. Learning that many of our residents in South Eastern Wisconsin choose to get married in Waukegan IL I studied this issue in earnest.

My sister-in-law Carmen Chavez told me how she and her now husband were denied a marriage license locally and they chose to get married in Texas. Why? On what grounds do we deny a marriage License? Both of them are local citizens, both have government issued ID and passports. The issue was one of them does not have a birth certificate. Texas only required a driver's license or any other government issued photo ID.

A year ago I got married to Teresa Mora. Tere a House of Representative employee, who also was without a birth certificate. Tere and I spent \$3,000 and years' worth of time to obtain a Mexican birth Certificate just so we could marry locally with her family. We were very nervous when we went to the clerk's office with the official \$3000 Mexican birth certificate. You see the names were completely different. I pointed this out to the assistant clerk and she brushed it off saying the names rarely match. So then why insist on the birth certificate?

Many clerks accept other forms of ID, as the law allows, but it is at their discretion. Today in South Eastern Wisconsin we are have a growth in our Hispanic and Taiwanese populations. Many of these people do not have or have ever had a birth certificate. Even today if you're born on a farm in rural Mexico you may not have a birth certificate.

The bill retains the birth certificate language but also lists other forms of identification in lieu of a birth record that a clerk must accept.

The bill removes the Wisconsin residency clause. We are the only state in the Nation to have this clause. This was done so we can now be part of the growing destination wedding trend. I am sure the folks from the Dells or Door will enjoy this change.

The bill allows for one to obtain their marriage license in any county in the state not just in the county of the wedding. The current law requires multiple trips to the local clerk's office to get and return your license. Therefore if lived in Racine and wanted to marry in the Dells one would have to go to the Dells to apply, during business hours, go back in a week to pick it up the license and one more trip post wedding to return the paperwork. In today's world I can book an entire wedding event on line but in Wisconsin I still need three trips to the county of the marriage to get the license. Under the revision one can get the license locally, use it anywhere in the State and return the paper work, once married to the local clerk.

The Bill also changes the waiting period for a license from 5 days to 3.

The Bill makes the license valid for 60 days in lieu of the current 30.

In conclusion, AB 270 / SB293 makes it a little easier to get married in our State while maintaining control on the procedure. This is an important step in creating family values for all of our citizens.

**ROCK COUNTY, WISCONSIN**

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April 27, 2021

Testimony for the Assembly Committee on Family Law Public Hearing

**Assembly Bill 270** – Relating to: marriage solemnization requirements and marriage document requirements, issuance, and validity.

There are a number of positive changes in this bill that will allow us to service the residents of our state better.

Positive items in the bill:

- 5 day waiting period reduced to 3 days
  - This provision could be helpful to some couples. The majority of marriages are on Saturday. With the current 5 day waiting period, couples marrying on Saturday need to apply on the Friday the week before wedding. With the 3 day waiting period the couple could apply on Monday the week of the wedding, wait the 3 days, and then pick up their license on Friday.
- License is valid for 60 days instead of 30 days
  - The last month before the wedding is crazy and the extended period would give couples more time to work around life's crazy schedules.
- Marriage License can be filed with any Register of Deeds Office
  - We have seen how much easier statewide issuance has made it for our residents to request certified birth certificates and marriage certificates. This is another plus for our residents.

Recommendations:

- Delete one witness option
  - In this provision if one of the couple is active military, they only need one witness. I believe this will cause confusion and concern for the officiant. Is it really hard to find another witness? According to the Wisconsin Department of Administration there are over 4.5 million residents in the State of Wisconsin over the age of 18. Marriage licenses issued in Wisconsin can only be used in Wisconsin. **It is helpful to have two witnesses on the marriage license, if we ever need to reconstruct if a marriage has actually happened. Recommend an amendment to delete this item.**
- Effective date extended
  - My concern is not giving Vital Records enough to updates to their systems to make the changes in this bill roll out smoothly. If this bill is passed now, everyone has time to prepare for the change. If this bill passes in March of 2022, then there may not be enough time to update systems. **Recommend an amendment to state the bill takes effect on July 1, 2022 or six months after passage whichever is later.**

Thank you for your consideration,  
Lisa Tollefson, Rock County Clerk